

To: Madeline_Stone@oxy.com[Madeline_Stone@oxy.com]
Cc: Neil_Backhouse@oxy.com[Neil_Backhouse@oxy.com]; AKIRCHNER@maxuscorp.com[AKIRCHNER@maxuscorp.com]
From: Wagner, Amelia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C6B91E5A2864F11BC8EB61D09ABBC01-WAGNER, AMELIA]
Sent: Tue 11/21/2017 10:03:50 PM (UTC)
Subject: RE: Financial Assurance - Newark Bay

Madeline,
The revised draft letter of credit looks fine, I have no further edits.
Enjoy your Thanksgiving!
Regards,
Amelia

From: Madeline_Stone@oxy.com [mailto:Madeline_Stone@oxy.com]
Sent: Tuesday, November 21, 2017 4:21 PM
To: Wagner, Amelia <Wagner.Amelia@epa.gov>
Cc: Neil_Backhouse@oxy.com; AKIRCHNER@maxuscorp.com
Subject: RE: Financial Assurance - Newark Bay

Hi Amelia. I just wanted to run this draft by you to make sure it looks okay. We have identified a contact person and will add that information as well.

If you have any concerns, please CC Neil and Aine (CCed on this message) as I will be out of town through next week.

Thanks very much. And Happy Thanksgiving!

Best,
Madeline

From: Stone, Madeline O
Sent: Friday, November 17, 2017 10:04 AM
To: Wagner, Amelia <Wagner.Amelia@epa.gov>
Cc: Backhouse, Neil S <Neil_Backhouse@oxy.com>; AKIRCHNER@maxuscorp.com
Subject: FW: Financial Assurance - Newark Bay

Hi Amelia. All of these changes should be fine. I will follow up with any questions.

Thanks for your assistance,
Madeline

From: Wagner, Amelia [mailto:Wagner.Amelia@epa.gov]
Sent: Friday, November 17, 2017 9:57 AM
To: Stone, Madeline O <Madeline_Stone@oxy.com>
Subject: [EXTERNAL] RE: Financial Assurance - Newark Bay

Madeline,
EPA has reviewed the letter of credit. On the first page of the letter of credit, where the applicant is listed, in addition to the name of the corporation, EPA requests that a contact person with their contact info also be listed.

Under number (1), I have attached EPA's model sight draft for Exhibit A.

The last paragraph of the letter of credit you submitted contained revisions. EPA proposes the following edits to the last paragraph:

Except as otherwise expressly stated herein, this letter of credit is subject to ~~and governed by the laws of the State of New York and the Uniform Customs and Practice for Documentary credits No. 600, 2007 Revision, International Chamber of Commerce (UCP 600).~~ As to matters not governed by the UCP 600, this letter of credit shall be governed by and construed in accordance with ~~and, in the event of any conflict,~~

ED_013299_00000189-00001

the laws of the State of New York and applicable U.S. Federal law ~~will control~~.

EPA's edits are intended to make it more clear that the UCP is the first source of law, with NY law as a backup if necessary, while also acknowledging that federal law could apply in some situations.

If you have any questions, please do not hesitate to contact me.

Thank you,

Amelia

Amelia M. Wagner, Esq.

Assistant Regional Counsel

New Jersey Superfund Branch

Office of Regional Counsel

U.S. EPA, Region 2

290 Broadway, 17th Floor

New York, NY 10007-1866

Tel. 212-637-3141

Email: wagner.amelia@epa.gov